

# **EXHIBIT 1**



**Service of Process  
Transmittal**

03/25/2021

CT Log Number 539271310

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Sanchez Maria L., Pltf. vs. Wal-Mart Stores Texas, L.L.C., Dft.

**DOCUMENT(S) SERVED:** Citation, Return, Petition

**COURT/AGENCY:** Hidalgo County Court, TX  
Case # CL211226E

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 10/07/2019 - 900  
N. Salinas Blvd., Donna, TX 78537

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Certified Mail on 03/25/2021 postmarked on 03/22/2021

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days

**ATTORNEY(S) / SENDER(S):** Martin L. Perez  
Law Offices of Mario Davila  
P.O. Box 3726  
McAllen, TX 78502  
956-322-8997

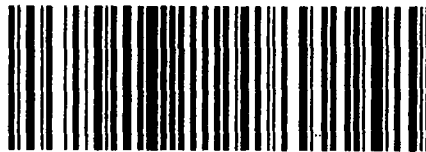
**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/25/2021, Expected Purge Date:  
03/30/2021

Image SOP

Email Notification, Kim Lundy Service Of Process ctlawsuits@walmartlegal.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

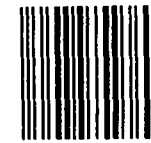
The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



7020 1290 0001 1563 5532



1004



75201

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PM 2-Day  
MCALLEN, TX  
78501  
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R2303S102915-1

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\*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

\*\* See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

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EP14F May 2020  
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FOR DOMESTIC AND INTER

TO: CT Corporation S  
1999 Bryan St, Ste. 900  
Dallas, TX 75201

**CAUSE NO. CL-21-1226-E**

THE STATE OF TEXAS  
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: WAL-MART STORES TEXAS, LLC  
REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN ST SUITE 900  
DALLAS TX 75201  
OR AT SUCH OTHER PLACE AS THE DEFENDANT MAY BE FOUND

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #5 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said Plaintiff's Petition was filed in said Court, on the 15th day of March, 2021 in this Cause Numbered CL-21-1226-E on the docket of said Court, and styled,

**MARIA L. SANCHEZ**  
vs.  
**WAL-MART STORES TEXAS, LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition & Discovery Requests accompanying this Citation and made a part hereof.

**NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:**

MARTIN L. PEREZ  
LAW OFFICE OF MARIO DAVILA  
PO BOX 3726  
MCALLEN TX 78502

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 19th day of March, 2021.



ARTURO GUAJARDO, JR.  
COUNTY CLERK, HIDALGO COUNTY, TEXAS  
100 N. CLOSNER  
EDINBURG, TEXAS 78539  
COUNTY COURT AT LAW #5

BY 

SANDRA FALCON

DEPUTY

**SHERIFF'S/CONSTABLE'S/CIVIL PROCESS****SHERIFF'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_  
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

**DEFENDANT SERVED**

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following  
Date, time, and place, to-wit.

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

By: \_\_\_\_\_  
CIVIL PROCESS SERVER

By: \_\_\_\_\_  
DEPUTY SHERIFF/CONSTABLE

**DEFENDANT NOT SERVED**

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

By: \_\_\_\_\_  
CIVIL PROCESS SERVER

By: \_\_\_\_\_  
DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and my address is  
\_\_\_\_\_. I declare under penalty of perjury that the foregoing is true and correct

EXECUTED in \_\_\_\_\_ County, state of Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DECLARANT

\_\_\_\_\_  
If Certified by the Supreme Court of Texas  
Date of Expiration /SCH Number

**CL-21-1226-E****CAUSE NO. \_\_\_\_\_****MARIA L. SANCHEZ  
PLAINTIFF**§  
§  
§  
§  
§  
§  
§**IN THE COUNTY COURT****Vs.****AT LAW NUMBER \_\_\_\_\_****WAL-MART STORES TEXAS, L.L.C.  
DEFENDANT,****HIDALGO COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION & DISCOVERY REQUESTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARIA L. SANCHEZ (hereinafter referred to by her name and/or as "PLAINTIFF") complaining of WAL-MART STORES TEXAS, L.L.C., (hereinafter referred to by name and/or as "DEFENDANT, WAL-MART STORES TEXAS, L.L.C."), and for cause of action would respectfully show the Court the following:

**I. DISCOVERY PLAN AND DISCOVERY REQUESTS**

**PLAINTIFF** intends to conduct discovery under Level 3 pursuant to Rule 190, Texas Rules Civil Procedure.

**PLAINTIFFS** requests pursuant to Rule 194.1, 194.2, 194.3, and 194/4 that **DEFENDANTS** disclose within thirty (30) days of filing of its answer of this lawsuit the information or material described in Rule 194.2 b (1-12). of the Texas Rules of Civil Procedure. The original answers are to be forwarded to **PLAINTIFFS'** attorney of record.

**II. PARTIES**

**PLAINTIFF** is a resident of Hidalgo County, Texas.

**DEFENDANT WAL-MART STORES TEXAS, LLC** is a business entity doing business in Texas, and may be served with process by serving the registered agent of said company at **CT CORPORATION SYSTEM, 1999 BRYAN ST, SUITE 900, DALLAS, TEXAS 75201** via certified mail return receipt requested or any other location where they may be found. Service of said Defendant as described above can be effected by any of the methods allowed by the Texas Rules of Civil Procedure.

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**III. ASSUMED NAMES**

Pursuant to Rule 28 of the Texas Rules of Civil Procedure, PLAINTIFF is suing any partnership, unincorporated association, a private corporation, or individual whose name contains the words or who does business under or as **WAL-MART STORES TEXAS, L.L.C.** It is the intent of Plaintiff to file lawsuit against the owners, occupiers, property managers and/or controllers of the **WAL-MART STORES TEXAS, L.L.C.** located at 900 N. SALINAS BLVD., DONNA, TEXAS 78537

**III. JURISDICTION AND VENUE**

**PLAINTIFF** brings this suit to recover damages against **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** for sustained losses, damages and personal injuries suffered by **PLAINTIFF.** **PLAINTIFF** has sustained damages in a monetary relief of LESS THAN 75,000 within the jurisdictional requirements of this Court. Venue of this proceeding is proper in **COUNTY** County, Texas, pursuant to Texas Civil Practice and Remedies Code Section 15.002. **PLAINTIFFS'** cause of action arose in **HIDALGO COUNTY**

**A. NOTICE OF NONREMOVABLE CLAIM**

**PLAINTIFF** is not pleading any federal claims as this case involves a matter of controversy of less than **\$74,000.00.**

**IV. STATEMENT OF FACTS**

On or about OCTOBER 7, 2019, **PLAINTIFF MARIA L. SANCHEZ** was a customer at **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** **WAL-MART STORES TEXAS, L.L.C.** located at 900 N. SALINAS BLVD., DONNA, TEXAS 78537. The **PLAINTIFF** was at **DEFENDANT'S** STORE WHEN SHE WAS USING AN ELECTRIC CART and THE CART MALFUNCTIONED due to improper maintenance. As a result of the accident **PLAINTIFF** suffered severe personal injuries.

**V. CAUSES OF ACTION**

**PLAINTIFF** has the following causes of action against **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.:**

**A. NEGLIGENCE**

**PLAINTIFF** has a negligence cause of action against **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** because they meet the following required elements:

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1. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** owed a legal duty to the **PLAINTIFF**;
  2. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** breached the duty; and
  3. The breach proximately caused the **PLAINTIFF**'s injuries.

**B. PREMISES LIABILITY**

**PLAINTIFF** has premises liability cause of action against **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** because they meet the following elements required in a cause of action brought by an invitee:

1. **PLAINTIFF** was an invitee;
2. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** was the possessor of the premises;
3. A condition on the premises posed an unreasonable risk of harm;
4. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** knew or reasonably should have known of the danger;
5. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** breached its duty of ordinary care by both:
  - (A) Failing to adequately warn the **PLAINTIFF** of the condition, and
  - (B) Failing to make the condition reasonably safe; and
6. The **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.**'s breach proximately caused the **PLAINTIFF**'s injuries.

**VI. PLAINTIFF'S DAMAGES**

**PLAINTIFF** hereby pleads the following damages that were caused as a direct and proximate result of the occurrence made the basis of this lawsuit:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by **PLAINTIFF** for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in HIDALGO COUNTY, Texas;
- B. Reasonable and necessary medical care and expenses which in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;



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- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past;
- J. Mental anguish in the future; and
- K. Disfigurement.

#### **VII. PRAYER**

WHEREFORE, **PLAINTIFF** requests that **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** be cited to appear and answer and that, on final trial, **PLAINTIFF** has the following:

- A. Judgment against **DEFENDANT, WAL-MART STORES TEXAS, L.L.C.** in monetary relief of LESS than \$250,000
- B. Prejudgment and post judgment interest as provided by law; and
- C. Such other relief to which **PLAINTIFF** may be justly entitled.

Respectfully submitted,

**LAW OFFICES OF MARIO DAVILA**

P.O. Box 3726

McAllen, Texas 78502

Telephone (956) 322-8997

Facsimile (956) 682-3550

BY: /s/ Martin L. Perez  
Martin L. Perez  
Texas State Bar No.: 24041675  
Email: mlperezattorney@gmail.com  
Attorneys for Plaintiff

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